



DRAFT MEETING MINUTES
BOARD OF SUPERVISORS, COUNTY OF MONO
STATE OF CALIFORNIA

Special Meeting

Sierra CAO Conference Room
3rd Floor, Sierra Center Mall
Mammoth Lakes, CA 93546

September 15, 2009

Flash Drive	Not Recorded
Minute Orders	M09-223 --- M09-224
Resolutions	R09-68 --- R09-69

6:00 PM Meeting Called to Order by Chairman Reid
Pledge of Allegiance led by Supervisor Bauer

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

John Wentworth, Mammoth Lakes Trails and Public Access: 1) Distributed an information card regarding the opportunity for community feedback about trails planning in the Sherwins. 2) MLTPA will get funding through Measure R but only for specific tasks. The \$12,500 provided last year by the County was used to help with fundraising; County funding provided for MCRAT (\$15,000). It is possible the MCRAT project could be funded through scenic byway funds. Wentworth asked the Board to re-consider MLTPA's request for funds in fiscal year 2009-10 to help support fundraising programs. Supervisor Hunt will sponsor an agenda item so the Board can discuss this issue.

REGULAR AGENDA

BOARD OF SUPERVISORS

- 1a) 2010 Census (**Rebecca Garrett, Local Census Officer**) - Rebecca Garrett will present information about the 2010 Census and efforts to create partnerships in order to promote awareness and encourage participation.

Action: None.

Note

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Rebecca Garrett: 1) Discussed the complete count committee, which consists of volunteers appointed by the local officials; the purpose of the committee is to ensure the census count is as complete as possible. The committee, ideally, would be made up of members representing various segments of the community, and would communicate with the public (especially the hard-to-count population) about the importance of the census. The public can be informed in a variety of ways, including adding messages to water bills, hanging banners and signage in public locations, and putting the census logo on bus schedules, newsletters, and websites (such as the Board's website). 2) Discussed the idea of partnering with the County. Funding up to \$2,999 is available to assist with expenses for promotional events; funding can be used for many things, such as logo wear (i.e. baseball caps with the census logo on them). Census officials are especially interested in events that involve the hard-to-count pockets of the community, and events that will reach a maximum number of community members. Garrett asked the Board for suggestions about committee members.

Board Comments:

- Perhaps the County could appoint a contact person to assist with the partnering activities.
- The local RPACs could be a good resource.
- Consider partnering with the post offices.
- Perhaps Board members could email information to constituents.
- Garrett should make a presentation to the Town Council.
- Consider working with the grocery store to put the census logo on sales receipts.
- Perhaps the public utility districts will include information in their monthly bills.

Marshall Rudolph, County Counsel: An appointed committee could be subject to the Brown Act.

PUBLIC WORKS

- 2a)** Adjustment to Waste Collection Franchise Agreements (**Matt Carter**) - Receive staff report regarding a proposed amendment to the primary waste collection franchise agreements to adjust Service Fee Floors to reflect increases in gate fees. Consider and potentially authorize the Public Works Director to execute said agreements on behalf of the County. Provide any desired direction to staff.

Action: None.

Matt Carter: The service floor fees are set in order to promote competition; a company can choose to charge more than the floor rate. An amendment to the fee floor requires support of both haulers and since only one supports the change, the amendment will not move forward. Regarding a competitive edge between companies, many factors are involved to determine if one or the other company has a competitive edge. It does not appear that one company has an edge over the other, but if capacity fees were drastically reduced then DNS would have a competitive edge over Mammoth Disposal.

Stacey Simon, Assistant County Counsel: The proposed action has been done in the past as a courtesy to the haulers; it is the haulers' prerogative whether or not to make the modification. However, in the future the Board may want the ability to unilaterally raise or lower the floor.

- 2b)** Hammil Access Agreement (**Jeff Walters**) - Receive staff report regarding requests to provide maintenance of the flood control channel in the vicinity of Dawson Ranch Road and Black Rock Mine Road in Hammil Valley. Consider and potentially authorize Public Works to enter into access agreements and

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utilize County forces to remove vegetation from the channel. Provide any desired direction to staff.

- M09-223** **Action:** Authorize the Public Works Director (in consultation with County Counsel) to enter into access agreements with each affected property owner to potentially provide one-time assistance with County and Cal Fire forces.
Hazard/Hunt, 5-0

Jeff Walters, Public Works: The flood channel was not properly engineered or designed, and it is currently filled with debris and vegetation. Parts of the channel are on private land, which necessitates access agreements. This work is exempt from CEQA because activities would be contained in an existing channel; the goal is to remove existing vegetation and not reconstruct the ditch. Walters asked the Board for approval to proceed with obtaining access agreements.

Supervisor Hazard: The County originally installed the channel after a flood many years ago, but the channel is not currently useable. Even though portions of it are on private land, the property owners may believe the County is responsible for maintenance. There are about 4-6 property owners requiring agreements; Hazard suggested obtaining their consent before funding the project. Hopefully GIS mapping will provide better information about where a flood channel should be constructed. Without the current channel, the potential for damage from floods is great; it is not merely a run-off channel.

Board Comments:

- The County needs to be careful about setting a precedent by following consistent policies.
- Concern about the potential for other requests throughout the County.
- If County funds are used for this project, there needs to be strong justification that it is in the public's best interest.

Marshall Rudolph, County Counsel: This would be a policy precedent but not be a legal precedent. The agreements would clarify that this would be a one-time activity.

COMMUNITY DEVELOPMENT - PLANNING DIVISION

Additional Departments: County Counsel

- 3a)** Transient Rental Ordinance Workshop (**Mark Magit, Scott Burns**) - Receive presentation by Mark Magit regarding proposed single family transient rental ordinance. Provide any desired direction to staff.

- M09-224** **Action:** Agendize this issue for the October 20, 2009, evening meeting to consider enforcement issues and stiffer penalties for illegal rentals in June Lake; put the remaining ordinance on hold.
Bauer/Farnetti, 5-0

Mark Magit, Assistant County Counsel: The proposed ordinance was developed as a result of community interest expressed during the June 16th Special Board Meeting. During subsequent CAC meetings, members of the June Lake community expressed general interest in moving forward with an ordinance to determine how it would work in zones or land use designations where transient rentals are currently permitted. An ordinance would also address the problem of illegal rentals and assist the enforcement officer in issuing citations. The purpose of this workshop is to provide outreach and public education; the ordinance was also presented at the

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last meeting of the Planning Commission. Magit reviewed a variety of ordinances from other areas in order to develop a draft ordinance. The June Lake CAC is generally supportive of the draft; their comments are noted therein. Concerns focus primarily on noise, traffic, trash and parking. The ordinance addresses issuance of permits and licenses; exterior and interior inspections; compliance with safety requirements; notification requirements; rental rules and agreements; and fees and fines. Options to consider: 1) Maintain status quo and improve enforcement section; allow a use permit in applicable zones. 2) Move forward with the draft and continue community outreach. 3) Complete an analysis to determine whether or not to expand the rental program. 4) Take no action and table the ordinance.

Board Comments:

- There are currently places in June Lake that already have use permits, operate efficiently and produce TOT; the illegal rentals are causing the problem so enforcement needs to be addressed.
- Fines for illegal rentals should be increased.
- The proposed ordinance should allow for withdrawal of a permit if the rental becomes a problem.
- The program should have a sunset provision to allow for evaluation later.
- The maximum number of people allowed on the property at one time should be reduced.
- Correctly zoned areas should be grandfathered.
- If legal rentals are not causing a problem, the proposed ordinance could be very restrictive to those property owners.
- Enforcement authority needs to be enhanced.
- If the community wants this ordinance, consider a trial period to see how the ordinance works.
- Maintaining the status quo with new emphasis on enforcement may be the best solution at this time.
- This issue may be specific to the June Lake area and not needed throughout the rest of the County.
- There seems to be no reason to move forward if the ordinance will only apply to current areas where transient rentals are allowed.
- Could support an overlay to promote the economy if this is what the June Lake community wants; this should be driven by the community.
- Successful resort communities have full-time residents as well as transient rentals. Hesitant to start allowing big overlay areas or individual rentals because this could erode the full-time community.

County Counsel will have to research whether or not stiffer fines for illegal rentals can be applied just in June Lake. The draft ordinance presumes to apply county-wide. The alternative at this stage may be to strengthen enforcement; the ordinance could impose over-regulation if the community is not opening a new market.

ELECTIONS

- 4a)** Compensation for Election Workers (**Lynda Roberts**) - Consider and potentially adopt Resolution R09- ____ " A Resolution of the Mono County Board of Supervisors Authorizing Certain Expenditures Pertaining to Election Workers and Designating the Amount of Compensation to be Paid to Election Workers."

R09-68 **Action:** Adopt **Resolution R09-68** "A Resolution of the Mono County Board of

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**Supervisors Authorizing Certain Expenditures Pertaining to Election Workers and Designating the Amount of Compensation to be Paid to Election Workers."
Hunt/Farnetti, 5-0**

Lynda Roberts, Elections Clerk: This action will correct a pay inequity between poll workers and inspectors. The additional cost is only \$288 more per election; the funds are in the budget. Also, the proposed resolution would allow for the purchase of small tokens of thanks (not just pins as currently specified) up to a maximum dollar amount.

CLERK OF THE BOARD

5a) Destruction of Board meeting audio recordings (**Lynda Roberts**) - Consider and discuss the proposed resolution authorizing the Clerk of the Board to routinely destroy audio recordings of Board of Supervisors' meetings that are older than two years.

R09-69 **Action:** Adopt **Resolution R09-69** "A Resolution of the Mono County Board of Supervisors authorizing the destruction of certain Clerk of the Board records pursuant to Government Code §26202."
Bauer/Hazard, 5-0

Lynda Roberts, Clerk of the Board: The County Counsel's office has thoroughly researched this issue and recordings of Board meetings can be destroyed after two years. The recordings are only made as an aid to preparing the minutes, which are the official record of Board meetings.

Additional Departments: County Counsel

5b) Teleconferencing of regular Board meetings (**Lynda Roberts and Marshall Rudolph**) - Discuss a policy pertaining to teleconferencing of regular Board meetings.

Action: The Board directed staff to agendize this issue for the 3rd meeting in October at which time the Board will discuss a policy; the Board also directed staff to schedule a demonstration at this time by having department heads give reports via teleconferencing.

Lynda Roberts, Clerk of the Board: With teleconferencing capabilities in place, the Board needs to establish a policy. The Brown Act allows for teleconferencing. Marshall Rudolph, County Counsel: The Brown Act only applies if Board Members attend a meeting via teleconferencing; if this technology is used just for public viewing, the Act does not apply.

Board Comments:

- Teleconferencing would make meetings more accessible to the public and the press. This may also benefit Board Members on occasion.
- The cost of staff time involved in overseeing the teleconferencing site may be offset by the savings realized in drive time by staff members.
- Staff time may be wasted by having to monitor meetings every week. Perhaps teleconferencing should be used only for special issues or emergencies.
- Something is lost when people do not interact directly with the Board.

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- If people are interested in issues, they will make an effort to attend the meetings in Bridgeport.
- This may be a way to better involve the Mammoth population.
- The Board could try teleconferencing on a trial basis and discontinue if it doesn't work.

ADJOURN: 8:40 p.m.

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BILL REID, CHAIRMAN

Board of Supervisors
County of Mono

ATTEST:

LYNDA ROBERTS

Clerk of the Board

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